

Upon motion of Robert Brown, seconded by Frank Fenton, the following Ordinance was duly adopted; Three voting in favor of enactment, 0 voting against enactment.

ORDINANCE NO. 69

AN ORDINANCE REGULATING THE KINDLING OR MAINTAINING OF ANY BONFIRE OR OTHER FIRE WITHIN THE LIMITS OF THE TOWNSHIP OF NORTH EAST: THE MAINTAINING OF A FIRE HAZARD: PROVIDING FOR NOTICE TO OFFENDERS, AND PENALTIES FOR NON-COMPLIANCE

BE IT ENACTED and ORDAINED by the Township of North East, Erie County, Pennsylvania:

SECTION 1. Any person, firm or corporation kindling or maintaining any bonfire or other fire or authorizing or permitting any such bonfire or other fire to be kindled or maintained on any street, avenue, road, alley or property, public or private, within North East Township shall comply with the following conditions:

(a) Bonfires or other fires shall be kindled or maintained between sunrise and sunset;

(b) Bonfires or other fires shall be kindled or maintained a safe distance from houses, barns, sheds, dry fields, woods or other inflammable materials or substances which might catch fire or explode, taking into account the quantity and nature of the material being burned, the velocity of the wind and other natural conditions existing at the time, but at no time shall a bonfire or other fire be within fifteen (15) feet of any building, structure, property line or combustible material;

(c) Bonfires or other fires shall be attended by a responsible person until extinguished;

(d) When any person, firm or corporation desiring to kindle or maintain any bonfire or other fire is in doubt as to the application of the provisions of sub-paragraph (b) of this Section, the chief of any fire company in North East Township, the Zoning Administrator and/or Township Supervisor shall be consulted and his decision shall be final.

SECTION 2. No person, firm or corporation shall kindle or maintain an open outdoor fire or authorize or permit any such fire

to be kindled or maintained on private property within North East Township without first obtaining permission from the Zoning Administrator or Secretary of North East Township and notifying the Fire Control Center of North East Township.

SECTION 3. The provisions of this Ordinance shall not apply to the burning of normal household rubbish in a metal container with a lid or an incinerator in safe condition by the occupants of a residence, provided such burning is done between sunrise and sunset.

SECTION 4. The provisions of this Ordinance shall not apply to a small, well controlled fire in an outdoor fireplace or container for outdoor cooking, barbecues and the like; provided said fire is attended by a responsible person until extinguished.

SECTION 5. No person, firm or corporation shall maintain any building or structure determined by the North East Township Board of Supervisors to be a fire hazard. Any such person, firm or corporation determined to be maintaining a fire hazard shall be given written notice of said determination and afforded ten (10) days to correct or correct or otherwise resolve the fire hazard condition.

SECTION 6. Any person, firm or corporation violating the provisions of this Ordinance shall be notified of the violation by a constable or peace officer, the Zoning Administrator or Township Supervisor of North East Township, or the chief of any fire company located in North East Township, and shall immediately take the steps recommended by such person to cease or limit the violation.

SECTION 7. Any person, firm or corporation violating the provisions of this Ordinance and failing to comply immediately with the steps recommended by a constable or peace officer of North East Township or the chief of any fire company or Zoning Administrator or Township Supervisor of North East Township, shall be guilty of a summary offense, and upon conviction thereof before any Justice of the Peace of North East Township, Erie County, Pennsylvania, shall be sentenced to pay a fine of not less than Twenty Five (\$25.00) Dollars and not more than One Hundred (\$100.00) Dollars, plus the costs of prosecution, and in default of payment thereof, shall undergo imprisonment in the Erie County Prison for a period of not more than ten (10) days.

SECTION 8. The Board of Township Supervisors may declare a temporary burning ban from time to time, as in their judgment,

burning would constitute a danger to the public due to dry or other adverse weather conditions.

SECTION 9. Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 10. All Ordinances or any part thereof inconsistent with the provisions of this Ordinance are hereby repealed.

ENACTED and ADOPTED this -6Th day of December, 1982, to be effective five (5) days from the date hereof.

Roy D. Thomson
Chairman

ATTEST:

Elizabeth M. Presti
Secretary

"I hereby certify that the foregoing ordinance was advertised in The North East Breeze on November 17, 1982, a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a regular meeting of the Council held on December 6, 1982."

Signed Elizabeth M. Presti
Secretary